

08-06-01

Customer Number: 000959

**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM**  
**UNDER RULE 1.53(b) (former Rule 1.60)**

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/489,777	PRIOR APPLICATION FILING DATE: JANUARY 24, 2000
BBI- 009C6CNDVCN	CLASS:	SUBCLASS:	EXAMINER: BRUSCA, J.	ART UNIT: 1631

COMMISSIONER FOR PATENTS  
 BOX PATENT APPLICATION  
 WASHINGTON, DC 20231

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: August 3, 2001

Mailing Label Number: EL 916 823 640 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

*Viníato G Cardoso*  
 Name of Person Mailing Paper

*Viníato G Cardoso*  
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/489,777 filed on January 24, 2000, of Bujard, Hermann and Gossen, Manfred entitled Tetracycline - Inducible Transcriptional Inhibitor Fusion Proteins (as amended).

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 74 page(s) of specification
  - ☒ 19 page(s) of Sequence Listing
  - ☒ 3 page(s) of claims
  - ☒ 1 page(s) of abstract
  - ☒ 15 sheet(s) of drawings (Figs. 1-14B)
  - ☒ 10 page(s) of Declaration Petition, and Power of Attorney (executed).

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/489,777 as originally filed on January 24, 2000.

2. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 20	MINUS	** 20	= 0
INDEP.	* 1	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

## SMALL ENTITY

RATE	FEE
x 9 =	\$0.00
x 40 =	\$0.00
+135 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OTHER THAN A  
SMALL ENTITY

RATE	FEE
x 18 =	\$0.00
x 80 =	\$0.00
+ 270 =	\$0.00
BASIC FEE	\$710.00
TOTAL	\$710.00

OR

OR

1c658 U.S. PTO  
 08/03/01

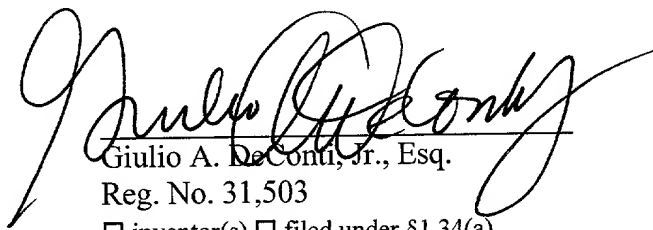
11000 U.S. PTO  
 09/921650

08/03/01

3. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
4. ☒ THE FILING FEE IS NOT BEING PAID AT THIS TIME.
5. ☒ Cancel in this application original claims 2-31 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
7. ☐ Also enclosed is/are .
8. ☒ The prior application is assigned of record to BASF Aktiengesellschaft and Knoll Aktiengesellschaft, having a subsidiary BASF Bioresearch Corporation, and recorded at Reel 7910, frame 537-556.
9. ☒ The power of attorney in the prior application is to Giulio A. DeConti, Jr., Esq. et al. of Lahive & Cockfield, LLP.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
10. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio A. DeConti, Jr., Esq. at **Customer Number: 000959** whose address is:
- Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109
11. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
12. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/489,777. Please use the computer readable form of application serial no. 09/489,777 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/489,777 are the same.

August 3, 2001  
Date

LAHIVE & COCKFIELD, LLP  
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Boston, Massachusetts 02109  
Tel. (617) 227-7400

  
Giulio A. DeConti, Jr., Esq.  
Reg. No. 31,503  
☐ inventor(s) ☐ filed under §1.34(a)  
☐ assignee of complete interest  
☒ attorney or agent of record